

IN UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA :

v. :

1:23-cr-00657-RMB

ROBBY VELAZQUEZ :

DEFENDANT ROBBY VELAZQUEZ'S MOTION FOR RECONSIDERATION  
OF THE ORDER DENYING HIS MOTION TO SUPPRESS PHYSICAL  
EVIDENCE SEIZED FROM HIS PERSON AND FROM A LOCKED BACKPACK

Defendant, Robby Velazquez, by and through his attorney, Gilbert J. Scutti, Esquire, alleges as follows in support of his motion:

1. On September 19, 2003, defendant, through counsel, filed a motion to suppress physical evidence, alleging that the police lacked sufficient grounds to detain and then arrest him on the morning of May 16, 2023.
2. Following an answer by the government and a reply by defendant, a hearing on the motion was conducted on November 8, 2023.
3. On January 4, 2024, the Court entered an Order and Opinion denying the motion.
4. The Opinion denying the motion credits the testimony of Camden County Police Officer Elliot Romero, which testimony may be summarized as follows. On the morning of May 16, 2023, while patrolling in the area of 555 Mount Vernon in Camden in a marked car, he saw Robby Velazquez, who was at that time unknown to him, in a vacant yard, "making contact with people, exchanging items, and then breaking contact." (N.T. at 14) Believing that he was witnessing a drug transaction, he eventually entered the yard to arrest Velazquez. (N.T. at 50)

5. Officer Romero also testified about an African American female who was in the yard, claiming that at one point Velazquez was calling to her for help.

6. Significant to the instant motion, according to Officer Romero, this female was an unknown individual, who was never stopped and identified. (N.T. at 59)

7. After reading what Officer Romero had to say about the unidentified female, defendant's family began searching for her; eventually, they found her. Her name is Shaunette Woods.

8. Ms. Woods has provided a signed statement refuting Officer Romero's testimony in several respects; most notably, she says that she observed Velazquez the entire time he was in the yard before he was arrested, and at no time did he interact with or exchange items with anyone. (A copy of the statement is attached as Exhibit A.)

9. As the Court would instruct a jury, Officer Romero is not presumed to be more credible than a private citizen.

10 Accordingly, it is vital that the Court hear the testimony of Shaunette Woods and reassess whether the testimony of the officer is still credible.

11. As is more fully set forth in the accompanying memorandum of law, this motion is permitted because the identity of Shaunette Woods was previously unknown, and her testimony is needed to prevent manifest injustice.

Respectfully submitted,



Gilbert J. Scutti

Statement of Shaunette Woods

Shaunette Woods says that:

1. She is a resident of the City of Camden, New Jersey.
2. She has viewed a screenshot of the video from the body camera of the Camden Police Officer in the case against Robby Velazquez.
3. She did not know the identity of Robby Velazquez on the day he was arrested, although she has since learned his name.
4. She is the African-American female shown in the video, and she was present in the yard when Robby Velazquez was arrested.
5. She was already in the yard when Robby Velazquez arrived that day.
6. She observed Robby Velazquez for about 10 minutes before the police arrived in the yard.
7. At no time that she observed Robby Velazquez in the time period before the police arrived did Robby Velazquez meet with anyone or exchange any items with anybody else.

Shaunette Woods

Shaunette Woods

January 30<sup>th</sup>, 2024

Exhibit A